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APR 05 2010

**Environmental
Cleanup Office**

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April 2, 2010

VIA E-MAIL AND FEDERAL EXPRESS

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101-3140
Telephone: (206) 553-1813
Hong.Claire@epamail.epa.gov

Re: Request to Substantiate Confidentiality Claim for Holcim (US) Inc.

Dear Ms. Hong:

We are writing in response to your correspondence of February 25, 2010 requesting substantiation of Holcim's confidentiality claims relating to documents submitted in response to certain CERCLA § 104(e) Requests for Information ("EPA's 104(e) Request"). By written agreement, the deadline for Holcim's response to your correspondence was extended to April 2, 2010.

Holcim has reviewed the documents that were previously produced in response to EPA's 104(e) Request and narrowed its confidentiality claims to the documents set forth in the list below. For ease of reference, we have identified each document by the "Bates Number" assigned to the document as part of Holcim's initial response to the EPA's 104(e) Request. To assist your review of Holcim's assertion of confidentiality for these materials, we have divided the documents into sub-groups of similar types of documents to avoid redundant explanations for Holcim's assertion of confidentiality.

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The following discussion identifies these sub-groups of documents and then provides answers and information to the questions set forth in your February 25, 2010 correspondence, as well as any additional information that substantiates Holcim's assertion of confidentiality for these documents.

1.

BATES NUMBERED DOCUMENTS	
HOLDW # 096-101	HOLDW # 2971-2976
HOLDW # 112-113	HOLDW # 10093-10148
HOLDW # 428	

- a. Holcim requests that these entire documents be permanently maintained as confidential.
- b. The entire documents are confidential because they are covered by the attorney-client privilege and/or attorney work product doctrine, which Holcim has not and does not intend to waive.
- c. Holcim has maintained the confidentiality of these documents by preserving them from public disclosure. Further, to Holcim's best knowledge and belief, it has not disclosed the documents to anyone other than a governmental body or a person bound by an agreement or court order to not disclose the documents.
- d. To Holcim's best knowledge and belief, these documents and the information contained therein are not publicly available on the Internet, any publicly available database, promotional publications, annual reports, or articles. The documents and the information contained therein are the kind of documents and information that Holcim would not customarily release to the public.
- e. Holcim is not aware of any confidentiality determination by a governmental body.

2.

BATES NUMBERED DOCUMENTS	
HOLDW # 295	HOLDW # 518-519
HOLDW # 380	HOLDW # 614
HOLDW # 432-433	HOLDW # 753
HOLDW # 434-435	HOLDW # 754
HOLDW # 436	HOLDW # 773
HOLDW # 459-460	HOLDW # 807-808
HOLDW # 469-470	HOLDW # 824-863
HOLDW # 471-473	HOLDW # 925-928
HOLDW # 474	HOLDW # 950-952

HOLDW # 484-485

HOLDW # 958-1191

HOLDW # 486

HOLD W # 2552

HOLD W # 2566

- a. Holcim requests that these entire documents be permanently maintained as confidential.
- b. The entire documents are confidential because they demonstrate and contain proprietary information such as: (1) Trade secrets, including the composition of certain Holcim products and byproducts; (2) Confidential analyses such as scientific or manufacturing processes, operations, or developments; and/or (3) customer listings. Such information can be used to the detriment of Holcim by revealing its analytical approach to studying the feasibility of projects and its methodologies for designing, constructing, and operating projects. Moreover, such information can be used by Holcim's competitors to the detriment of Holcim because such information reveals the technological and strategic means through which Holcim seeks to best position itself in the competitive business market for its products.
- c. Holcim has maintained the confidentiality of these documents by preserving them from public disclosure. Further, to Holcim's best knowledge and belief, it has not disclosed the documents to anyone other than a governmental body or a person bound by an agreement or court order to not disclose the documents.
- d. To Holcim's best knowledge and belief, these documents and the information contained therein are not publicly available on the Internet, any publicly available database, promotional publications, annual reports, or articles. The documents and the information contained therein are the kind of documents and information that Holcim would not customarily release to the public.
- e. Holcim is not aware of any confidentiality determination by a governmental body.

3.

BATES NUMBERED DOCUMENTS

HOLDW # 4381-10089

HOLDW # 10091

- a. Holcim requests that these entire documents be permanently maintained as confidential.
- b. The entire documents are confidential because they contain Holcim's insurance policies, and demonstrate and contain proprietary and confidential analyses such as what types of equipment and other tangibles Holcim deems valuable and what types of intangibles Holcim determines are worthy of insurance coverage. Such information could be used to the detriment of Holcim by competitors.

- c. Holcim has maintained the confidentiality of these documents by preserving them from public disclosure. Further, to Holcim's best knowledge and belief, it has not disclosed the documents to anyone other than a governmental body or a person bound by an agreement or court order to not disclose the documents.
- d. To Holcim's best knowledge and belief, these documents and the information contained therein are not publicly available on the Internet, any publicly available database, promotional publications, annual reports, or articles. The documents and the information contained therein are the kind of documents and information that Holcim would not customarily release to the public.
- e. Holcim is not aware of any confidentiality determination by a governmental body.

4.

BATES NUMBERED DOCUMENTS	
HOLDW#1201-1205	HOLDW#1212-1215
HOLDW#1680	HOLDW#1934-1940
HOLDW#1946	HOLDW#1956-1957
HOLDW # 2695	HOLDW # 2709-2710
HOLDW#1959-1960	HOLDW#1964
HOLDW#1982	HOLDW#1984,1988
HOLDW # 2711-2761	HOLDW # 2766
HOLDW # 2767	HOLDW # 2785
HOLDW # 2792-2794	HOLDW # 2802
HOLDW # 2805-2823	HOLDW # 2825-2860
HOLDW # 2862-2872	HOLDW # 2882-2900
HOLDW # 2904-2916	HOLDW # 2922
HOLDW # 2925-2926	HOLDW #2964-2967
HOLDW # 2977-2978	HOLDW # 2981
HOLDW # 2983-2986	HOLDW # 2988
HOLDW # 3012-3019	HOLDW # 3024-3025
HOLDW # 3028-3043	HOLDW # 3044
HOLDW # 3071-3072	HOLDW # 3083-3084
HOLDW # 3087	HOLDW # 3088-3089
HOLDW # 3090-3091	HOLDW # 3108
HOLDW # 3119-3120	HOLDW # 3135-3136
HOLDW # 3159-3165	HOLDW # 3237-3239
HOLDW # 3299-3212	HOLDW # 3322-3327
HOLDW # 3349-3354	HOLDW # 3356-3360
HOLDW # 3364-3365	HOLDW # 3367-3368
HOLDW # 3370-3374	HOLDW # 4334-4335
HOLDW # 4361-4362	HOLDW # 4366-4379


HOLDW # 3376-3378	HOLDW # 3383-3384
HOLDW # 3386-3391	HOLDW # 3393
HOLDW # 3397-3399	HOLDW # 3403
HOLDW # 3429	HOLDW # 3459
HOLDW # 3478	HOLDW # 3479-3480
HOLDW # 3487	HOLDW # 3490
HOLDW # 3499	HOLDW # 3501
HOLDW # 3506	HOLDW # 3510
HOLDW # 3515-3516	HOLDW # 3519
HOLDW # 3524	HOLDW # 3535
HOLDW # 3545-3549	HOLDW # 3553
HOLDW # 3561	HOLDW # 3572-3573
HOLDW # 3575	HOLDW # 3648
HOLDW # 3725-3726	HOLDW # 3770
HOLDW # 3773	HOLDW # 3816-3817
HOLDW # 3835	HOLDW # 3871-4161

- a. Holcim requests that these entire documents be permanently maintained as confidential.
- b. The entire documents are confidential because they contain internal business communications regarding regulatory compliance strategies and/or confidential analyses such as scientific or manufacturing processes, operations, or processes employed at Holcim's Seattle manufacturing plant. Such information could be used by competitors to the detriment of Holcim by revealing Holcim's technological and strategic approaches to the marketing of its services and products and its methodologies utilized in regulatory compliance.
- c. Holcim has maintained the confidentiality of these documents by preserving them from public disclosure. Further, to Holcim's best knowledge and belief, it has not disclosed the documents to anyone other than a governmental body or a person bound by an agreement or court order to not disclose the documents.
- d. To Holcim's best knowledge and belief, these documents and the information contained therein are not publicly available on the Internet, any publicly available database, promotional publications, annual reports, or articles. The documents and the information contained therein are the kind of documents and information that Holcim would not customarily release to the public.
- e. Holcim is not aware of any confidentiality determination by a governmental body.

Claire Hong
Remedial Project Manager, US EPA, Region 10
April 2, 2010
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We trust that you will find this complete and supportive of Holcim's confidentiality claims. Should you need additional information or desire to discuss this matter further before you make your final determination as to Holcim's assertion of confidentiality regarding these documents, please do not hesitate to contact me or my partner, Paula Jantzen, at (405) 239-6040.

Respectfully,



Mark D. Coldiron